

June 13, 2011

FILED
U.S. DISTRICT COURT
NEW ALBANY DIVISION

The Honorable Federal Judge Sarah Evans Barker
The Honorable Federal Magistrate Judge William G. Hussmann
United States District Court, Lee H. Hamilton Federal Building and United States Courthouse
121 West Spring Street
New Albany, Indiana 47150

JM-11 JUN 15 AM 10:41

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

Reference:

Court Case: Hard Drive Productions vs Does 1-21 (4:11-cv-00059-SEB-WGH)

Court: United States District Court for the Southern District of Indiana New Albany Division

Copyrighted Work: "Amateur Allure Erin"

Identifying Information Sought by Plaintiff: Accountholder Name, Address, Telephone Number

Letter in response to Plaintiff's response to my original letter dated June 1, 2011

Your Honor,

I find it odd that the lawyer for the plaintiff in this case chose to attempt to respond to my letter and concerns by stating that I was not an Indiana citizen that has been targeted by his firm and scheme. A lawyer should know that anyone in the public has access to PACER and documents filed, and that these types of pay-up-or-else settlement schemes are generating massive publicity on the internet. Even NPR has covered this scheme in an article. It is then a short matter to notice a lawsuit had been filed in my home state, look it up on PACER, and check the "evidence" against the I.P. Address assigned to the internet connection I pay for. I hope that my sending these letters as "John Doe" does not downplay the national public and judicial criticism of his extortion method by seeming as if the public is not aware of this type of recent court filing against tens of thousands of internet subscribers, underscoring weakness of his case and the utter inadequacy of his "evidence". His "evidence" is no more valid in naming the correct party in a lawsuit than a payphone number showing up on caller ID can name the correct person who made an obnoxious phone call in the middle of the night. I am certain that the payphone company would have no better odds of discovering the actual caller than I would have identifying the person who downloaded the pornography in question. I seriously doubt any of my neighbors or friends are going to raise their hands if I start asking them if they downloaded a pornography movie on my internet connection.

I also find it odd that, instead of choosing to justify their "evidence", they have chosen instead to simply say the court can protect our rights. While I have confidence in the court to reach a just decision, I do not have confidence in my own financial ability to hire adequate counsel to arrive at that conclusion. To date, Mr. Steele has not actually been tested in trial for these lawsuits armed with his flimsy "evidence", as his singular goal is to threaten and scare a percentage of the tens of thousands of defendants into settling for \$2,900. Some do settle, due in part to the embarrassment of the subject matter Mr. Steele is citing in the lawsuits. However, this leaves those of us struggling to pay our bills each month with little recourse if we do not have this large sum available to make this "go away", as his own settlement letter (samples available via Google searching) phrases in the "Frequently asked question" section. These letters are accompanied by daily harassing phone calls, much like a debt collector, even though no contract or business has been conducted between the plaintiff and the internet connection subscriber.

Again, as I stated in my first letter to Your Honor, I implore you to protect the citizens under your jurisdiction by holding Mr. Steele to a higher standard of evidence before he is able to wrestle our contact information from our internet providers and begin a campaign of harassment and demands for

high sums we certainly cannot afford. I took quick action (as Mr. Steele's associate pointed out) in writing to you because once a motion is granted, it is essentially too late for those of us who cannot afford counsel or trial. A list of I.P. addresses is absolutely not enough to identify an individual viewing copyrighted material, it is only enough to discover who pays for the internet connection, which could be a university, grandfather, employer, or neighbor (willing or not). If he were able to provide some kind of evidence that actually identifies or helps identify the actual copyright infringer who viewed the pornography in question, it would help him eliminate the "John Doe" filings and assist the internet account holder in determining who might have used their connection to download the material in question. As it is, Mr. Steele and the small handful of other law firms performing this scheme have no interest in anything other than extracting settlement sums from as many John Does as possible. If he had confidence in his own evidence, perhaps he would not be so quick to settle, and wouldn't throw such a wide net of lawsuits hoping to gather as many embarrassed and frightened settlements from internet subscribers as possible, regardless of the proper identity of the person who committed the infringement in question (though this would affect the profitability of his scheme).

Despite the brief and insulting response from Mr. Steele's response to my initial letter and my fears and concerns, I am absolutely not in favor of copyright infringement, as the music and movie industry has taken great strides to offer their products to consumers in accessible and affordable ways. I do take offense to Mr. Steele's associate nonchalantly dismissing my letter to Your Honor as coming from an impersonal "pirate haven" advocate.

I do not support piracy any more than I support abuse of the legal system to enable extortion and threatening pay-up-or-else schemes with citizens attempting to live their lives in peace and quiet while fostering a sense of community with their physical neighbors and friends while sharing the internet and its vast resources of digital knowledge and community. Perhaps if the settlement letter offered a more helpful tone in determining who viewed the illegal pornography in question, it would seem less like bullying and blackmail with threat of public exposure connecting an internet subscriber to pornography. Instead, Mr. Steele proceeds to rather brazenly expose his stance as caring about nothing but collecting that settlement amount as his letter is so skillfully phrased to do with thinly veiled threats and carefully-worded vague "maybes".

I am not skilled or particularly knowledgeable about the proceedings of law in courts such as Yours, and I cannot afford the expense of a lawyer to write letters for me. I have sincere hope that I am not aggravating Your Honor with my letter, for lack of knowledge and experience in the legal realm. I do not know the official procedure for submitting documents to Your Court, but if time and Your interest permits, I would plead for you to review a document filed by the Electronic Freedom Foundation under case 1:10-cv-000455-BAH, in particular issue "II" on page 12. I can do no better than Mr. Steele in making wild speculation as to whether or not the internet subscribers paying for and assigned the other 20 I.P. Addresses listed in this lawsuit are the same person who viewed the pornography referenced in this lawsuit. I cannot, however, feel comfortable being joined into a lawsuit with potentially guilty parties when I (nor Mr. Steele) can say with any factual authority other than guesses and assumptions that my own personal set of circumstances are or are not the same in regards to our internet connections being used to download Mr. Steele's pornography.

Thank you again for your time, Your Honor. I sincerely apologize that I cannot sign my own name to my letters to demonstrate that I am indeed an individual citizen living in Indiana, but I certainly do not desire a letter in the mail demanding money I do not (and probably will not have at any point in the remotely near future) from Mr. Steele to arrive later this week in my mailbox if I were to do so. Please do know that my concerns and fears regarding this terrible ploy being run by Mr. Steele and a few other firms around the country are no less real and severe regardless.

Very Respectfully Yours,
"John Doe"